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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/218,119 | 12/21/1998 | ANDREW M. PROEHL | 80398-P158 | 3529 |

7590 02/11/2003

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EXAMINER

LONSBERRY, HUNTER B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/218,119

Applicant(s)

PROEHL ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-60.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Applicant argues the following : 1) "However, as well known in the art, a connection between the STB and the headend is required to watch or record a broadcast program in the in the television delivery systems as taught by Lawler and Hendricks. Therefore, the examiner's stated motivation for combination is not supported by either of the references or the art as a whole and in fact, runs counter to the accepted teachings of the art."

Regarding applicants argument 1, Hendricks discloses a satellite embodiment in which STB 220 connects to operations center 202 via satellite reception equipment 206, a modem is used for communications with the operations center (column 42, lines 31-50). Utilizing th local reminder system of Hendricks, a combined system of Lawler and Hendricks would still be able to generate a reminder and view programming even if the upstream connection between the STB and the headend is severed or unavailable because the programming is received via a unidirectional link from the satellite dish. Therefore, it would be obvious for one skilled in the art to modify Lawler to store reminder information locally as taught by Hendricks, as the reminder information would be available even if the connection between the STB and headend is severed.

2) "Florin discloses a system that displays an icon on broadcast advertisements can be activated by remote control to show the viewer more information about the advertised products. The examiner is relying on Florin to teach Applicant's claimed element of issuing a notification to a viewer during an advertisement for an upcoming program to determine if the viewer is interested in the program. However, Applicant further claims that the viewer's response to this notification generates a signal that causes the program reminder to be shown to the viewer. No teaching in Lawler, Hendricks or Florin suggests modifying Florin's icon to create such a signal and doing so would render Florin's invention inoperable for its intended purpose.

Regarding applicants argument 2, the claims require that a first notification is issued during the broadcast of an upcoming program, the notification asks whether a viewer is interested in the program, a signal indicating viewer interest is received, program information is retrieved in response to the signal and stored locally to the viewer, at approximately the time of the program broadcast, a second notification is issued to notify the user of the broadcast. Lawler discloses a system which allows a user to browse a program guide and create a future reminder just prior to the start time of a program that the user is interested in watching in the future. Florin is relied upon to in order to provide additional information about a currently watched program/advertisement on a TV shopping channel without the use browsing or seeking out additional information as would be required by browsing programming within a program guide. Florin provides an impulse feature thus enabling a user to indicate their interest in the product being advertised. Therefore, it would have been obvious for one skilled in the art, to modify the reminder system of Lawler/Hendricks to include the impulse feature that Florin provides as it would enable a user to learn more about a product, without requiring them to navigate a browsing program.


CHRIS GRANT
PRIMARY EXAMINER